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2006 OCT -6 A 11:36

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October 5, 2006

VIA FACSIMILE AND FEDERAL EXPRESS

Lawrence Norton, Esq.
General Counsel
Federal Election Commission
999 E. Street, NW
Washington, DC 20463

Re: MUR 5792

Dear Mr. Norton:

The complaint filed against Christine Jennings, the Democratic candidate for the Florida 13th Congressional District, her campaign treasurer, Susan K. Flynn, and the Chris Jennings for Congress campaign (collectively, the "Christine Jennings campaign"), is fatally flawed, relying, as it must, on conjecture and gross factual inaccuracies. As the undisputed facts will show, there is absolutely no competent evidence for any thesis that the Christine Jennings campaign violated any election laws in connection with a brief meeting with former President Bill Clinton this summer.

Background Facts

The supporting affidavit of Karen Thurman, chair of the Democratic Party of Florida, attached as Exhibit "A," establish the following facts:

On June 12, 2006, Christine Jennings and approximately fifteen other party activists and supporters met together with former President Bill Clinton immediately before a luncheon where he was the featured speaker. The purpose

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of the luncheon at a downtown Orlando hotel was to raise money for the Democratic Party.

It appears that some of the people who attended the pre-luncheon meeting paid the Democratic Party \$25,000 for the opportunity to visit with the former president. Five or six others were allowed to attend the meeting with the former president even though they had not contributed \$25,000. For the most part, members of this second group were party supporters and activists.

Ms. Jennings was a member of the second group. She was able to attend the event after a friend of hers - a long-time contributor to the Democratic Party and to the Christine Jennings campaign- told her he would not be able to go to Orlando. The contributor, Frank Brunckhorst, had not paid \$25,000 for the privilege of meeting the former president.

Ms. Jennings then called Karen Thurman, the Florida Democratic Party chair, to see if she could meet with President Clinton at the pre-luncheon meeting. Ms. Jennings was under the mistaken impression that her friend could pass on to her his right to meet with the former president.

As Ms. Thurman emphasized in her attached affidavit, only she could determine who could meet with President Clinton. Ms. Thurman, however, immediately agreed to allow Ms. Jennings to meet with former President Clinton because of Ms. Jennings' enthusiastic support of the Democratic Party. Subsequently, Ms. Jennings and approximately fifteen others met with the former president for a few minutes before his speech. About one-third of the Democratic Party supporters - like Ms. Jennings - had not contributed \$25,000 at the fundraiser but were included as respected leaders in their communities as well as to recognize their past support for the Florida Democratic Party.

A photographer documented Christine Jennings' meeting with President Clinton. That photograph, however, was never used in any of Christine Jennings campaign literature. Furthermore, Christine Jennings did not refer to the meeting in any of her campaign literature.

Unfortunately, an extremely inaccurate version of this rather routine and completely appropriate meeting with former President Clinton was reported in a June 19, 2006 article in the Sarasota Herald Tribune. Jennifer S. Cohen, the campaign manager for Ms. Jennings' opponent, Jan Schneider, apparently based the facts in her complaint on that article.

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Ms. Cohen's complaint is flawed at its core, because like the article, it is based on the erroneous assumption that an unnamed Christine Jennings supporter paid \$25,000 for a "ticket" to meet President Clinton, and then turned it over to Ms. Jennings.

This erroneous assumption is also the central premise of the Sarasota Herald Tribune article. Specifically, at the top of the article, it states the following: "In Democrat Christine Jennings' case, \$25,000.00 was the price for just five minutes with the former president Bill Clinton." See article attached as Exhibit "B."

The article, again incorrectly, states that, "While it sounds steep, Jennings, who is running for Congress, jumped at the chance when one of her friends gave her a ticket for the \$25,000-a-person fundraiser in Orlando last week."

As Ms. Thurman established in her supporting affidavit, no tickets were handed out to supporters who contributed more than \$25,000 or more, there was no specific price set which guaranteed access to President Clinton and, most significantly, meeting with the former president was a right and privilege that only she could bestow for any number of reasons. Ms. Jennings' friend could not have passed on a right which he did not possess.

Mysteriously and in contravention of basic journalistic tenets, the "facts" in the article are not attributed to anyone, not even an unnamed source. Furthermore, the article - like Ms. Cohen's complaint - refers to an anonymous "ticket" donor.

Had Ms. Cohen bothered to telephone Ms. Thurman, the Democratic Party chair, she would have learned that Ms. Jennings was given free-of-charge the opportunity to meet with President Clinton. Moreover, as Ms. Thurman has publicly stated, Ms. Cohen's candidate, Jan Schneider, also could have visited with President Clinton for five minutes, also free-of-charge.

There Were no Federal Election Law Violations

Ms. Cohen purports to state a violation of the Bipartisan Campaign Act of 2002 (the "Act") and applicable regulations. Specifically, she bases her complaint on 2 U.S.C. §431(8)(A)(i); 11 CFR 100.52(a) or, alternatively, 11 CFR §113.1(g)(6).

Under 2 U.S.C. §431(8)(A)(i); 11 CFR 100.52(a) a "contribution" is defined as any "gift, subscription, loan, advance, or deposit of money or anything of

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value made by any person for the purpose of influencing any election for Federal office."

The complaint - apparently in reliance on the June 19, 2006 news article - incorrectly indicates that an unnamed donor handed Ms. Jennings a "ticket" for which he had paid \$25,000. See Complaint, p. 1, paragraphs 3,4. It takes her to task for failing to "mention the \$25,000 payment" and not reporting the "\$25,000" in her "campaign finance report to the Federal Election Commission." See Complaint, p. 2, paragraph 7.

The simple fact is that no one paid anything - let alone \$25,000 - for Christine Jennings to meet President Clinton. As the supporting affidavits indicate, Christine Jennings did not pay anything for her visit with President Clinton. Furthermore, no else paid \$25,000 so that she would be able to meet with the former president. As Ms. Thurman has verified, Ms. Jennings was one of a number of people who had the opportunity to meet briefly with the former president for free. Ms. Jennings never reported a \$25,000 "ticket" because she never received such a "gift, subscription, loan, advance, or deposit of money or anything of value made by any person," let alone "for the purpose of influencing any election for Federal office."

Ms. Cohen's second attempt to make out violation is equally flawed. Third party payments are addressed in 11 CFR §113.1(g)(6). That regulation states in pertinent part: "Notwithstanding that the use of funds for a particular expense would be a personal use under this section, payment of that expense by any person other than the candidate or the campaign committee shall be a contribution under subpart B of part 100 to the candidate unless the payment would have been made irrespective of the candidacy."

This regulation also is inapplicable here because there was no payment by a third-party. As repeatedly pointed out in sworn affidavits, no third-party paid \$25,000 so that Ms. Jennings could meet with the president. Ms. Jennings received the opportunity - along with a number of other people - to meet President Clinton from Ms. Thurman, the Democratic chair. Ms. Jennings friend did not give her a "ticket" or even the right to attend the Orlando event because he did have the right to pass along this opportunity. Only Ms. Thurman could decide who would attend the event. Ms. Jennings, of course, also did not pay for the opportunity to meet President Clinton.

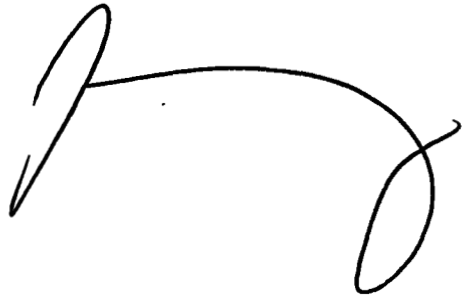
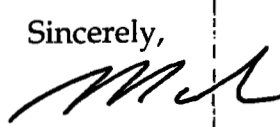
The Christine Jennings campaign believes that the facts, as outlined above and in the supporting affidavits, remove any questions concerning whether there was any violation of FEC regulations. The basic facts are free

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from any genuine dispute and conclusively demonstrate a lack of any probable cause to pursue an investigation. With all due respect, this complaint would never have been filed absent the unfortunate combination of an opposing campaigns' self-serving, speculative reliance on the inaccurate reporting of the local newspaper. For the reasons described above, this complaint should be dismissed.

Thank you for your consideration of this matter.

Sincerely,



Kendall Coffey
Mark Journey

/tgs.

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EXHIBIT A

IN RE: Chris Jennings for Congress Campaign

MUR 5792

AFFIDAVIT OF KAREN THURMAN

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority, personally appeared KAREN THURMAN, who is known to me, and who swears and affirms as follows:

1. My name is Karen Thurman. I am the chair of the Democratic Party of Florida and a former member of the United States House of Representatives.
2. In early June 2006, I received a telephone call from Christine Jennings, the Democratic candidate for the Florida 13th Congressional District. She wanted to know if she could attend an event that was being held in Orlando, Florida, to raise money for the Democratic Party. Specifically, Ms. Jennings inquired about the possibility of meeting former President Bill Clinton who was scheduled to speak at the event on June 12, 2006.
3. Ms. Jennings told me that a friend, Frank Brunckhorst, was unable to attend the event. She was apparently under the impression that Mr. Brunckhorst could pass along to her his place at the event. As I explained to Ms. Jennings, only I had authority to determine who would meet with the President Clinton at the Democratic Party function. Of course, I was delighted to invite Ms. Jennings to this relatively brief meeting with President Clinton and other Democratic

activists in light of her support of the Democratic Party. Ultimately, Ms. Jennings and approximately fifteen (15) other guests met with the former president for a few minutes before his luncheon speech at a downtown Orlando hotel.

4. I told Ms. Jennings she did not have to contribute any money to meet President Clinton. While some of the guests had contributed as much as \$25,000, five or six others, like Ms. Jennings, were not required to contribute any money to attend the event, rather they were invited in recognition of their enthusiastic support of the Democratic Party. There was no *quid pro quo* in the sense that you were expected to contribute a certain amount of money to meet President Clinton. Significantly, I also would have permitted her opponent in the Democratic Primary, Jan Schneider, to meet with President Clinton regardless of whether she contributed any money to the Democratic Party.

5. Even Mr. Brunckhorst, who had told Ms. Jennings about the event, had not contributed \$25,000 in order to gain access to President Clinton. While he is a longtime contributor and supporter of the Democratic Party, neither Mr. Brunckhorst nor other supporters could have transferred any opportunity to meet President Clinton to another individual.

6. Unfortunately, one or more media reports surrounding Ms. Jennings attendance at the event inaccurately reported several facts. In particular, the article which appeared in the Sarasota Herald Tribune on June 19, 2006 mistakenly reported that "tickets" were handed out to supporters who contributed \$25,000. Stated simply, none existed; no such tickets were handed out.

7. In fact, there was no specific price set which automatically allowed Democratic activists access to President Clinton. As I have said, I made the decision to invite various longtime Democratic Party supporters to meet with President Clinton for a variety of reasons.

There was no fixed, predetermine cutoff of the number of people who were permitted to meet President Clinton.


8. Under penalties of perjury, I declare that I have read the foregoing affidavit and the facts stated in it are true.

Karen Thurman
KAREN THURMAN

SWORN TO AND SUBSCRIBED before me on this ____ day of October, 2006.

☐ Personally known, or ☐ produced identification, type of identification produced:

[Signature]
NOTARY PUBLIC, STATE OF FLORIDA



My Commissions Expires:

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EXHIBIT B

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> Jeremy Wallace
> June 19, 2006
> Sarasota Herald Tribune
>
> Congressional candidate gets time with Clinton
>
>
> Here's what \$25,000 could buy you: front-row tickets to all Tampa Bay
> Devil Rays games for three years or a new custom Ford Mustang.
>
> In Democrat Christine Jennings' case, \$25,000 was the price for just
> five minutes with former president Bill Clinton.
>
> While it sounds steep, Jennings, who is running for Congress, jumped
> at the chance when one of her friends gave her a ticket for the
> \$25,000-a-person fundraiser in Orlando last week.
>
> The retired Sarasota banker said it was amazing and inspiring to see
> the "Clinton magic" at work.
>
> "It's when he talks," Jennings said, not revealing who gave her the
> ticket.
>
> Jennings said Clinton is so captivating and knowledgeable that it
> grabbed her attention immediately.
>
> Because the trip was personal, Jennings' staff said it doesn't count
> as a campaign donation that would have to appear on public disclosure
> reports.
>
> Jennings said she was able to ask Clinton about why, despite having
> the world's greatest military force, America can't be a stronger
> leader in promoting peace around the world.
>
> She said Clinton told her the U.S. should speak out strongly for world
> peace. Clinton reasoned that you can't kill or jail all of the

> terrorists in the world, so it's best to find ways to push them toward
> peace, Jennings said.
>
> Democrat Jan Schneider, who is running against Jennings for the
> Democratic nomination in the 13th Congressional District, isn't
> impressed at all.
>
> Schneider, a former law school classmate of Clinton's at Yale
> University in the early 1970s, said she's had lunch with Bill and
> Hillary Clinton several times in her life.
>
> "And I didn't have to pay \$25,000," she said.
>
